

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MILTON SAMUELS,

Petitioner,

v.

WARDEN RACHEL THOMPSON,

Respondent.

Civil Action
No. 24-4983 (CPO)

ORDER

O’HEARN, District Judge.

Before the Court is Petitioner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. (ECF No. 1.) Petitioner had argued that the Bureau of Prisons (“BOP”) wrongfully declared him ineligible to receive certain credits under the First Step Act (“FSA”). (*Id.* at 6.) As relief, Petitioner requested that the Court “order the BOP to remove his ineligible status” and recalculate his FSA credits. (*Id.* at 7.)

Respondent advised that the BOP has since provided Petitioner with the FSA credits at issue and asks the Court to dismiss this matter as moot. (ECF No. 4.) Respondent states that Petitioner is now eligible to receive FSA credits and has received 365 days towards early transfer to supervised release and 610 days towards prerelease custody. (*Id.* at 2.) In his recent letter, Petitioner acknowledged receipt of the FSA credits at issue. (ECF No. 5, at 1 (“As a result of my status change to ‘eligible,’ I have earned 365 days . . . plus 610 days . . . of prerelease custody.”)). As Petitioner has received the relief he requested in his Petition, this case is now moot. (ECF No. 1, at 7.)

Additionally, in his letter, Petitioner raises new allegations that the BOP is refusing to apply certain credits under the Second Chance Act, due to a disciplinary infraction. (ECF No. 5, at 1.) If

Petitioner wishes to challenge the BOP's refusal to provide him with Second Chance Act credits, he must file a new § 2241 petition, under a new docket number, after he has exhausted his administrative remedies. Accordingly,

IT IS, on this 16th day of September 2024,

ORDERED that Respondent's request to dismiss this matter, (ECF No. 4), is GRANTED; Petitioner's Petition, (ECF No. 1), is DISMISSED AS MOOT; and it is further

ORDERED that if Petitioner wishes to challenge the BOP's refusal to provide him with Second Chance Act credits, he must raise the issue in a new § 2241 petition, under a new docket number, after he has exhausted his administrative remedies; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner by regular U.S. mail and CLOSE this case.

/s/ Christine P. O'Hearn
Christine P. O'Hearn
United States District Judge